

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 8100 of 2015 (J)

PETITIONER(S):

**ABOOBACKER, AGED 47 YEARS
S/O.HAMZA, NELLAYA PUTHANPEEDIKAKKAL HOUSE
THOOTHU P.O., ANAMANGAD, MALAPPURAM DISTRICT**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S):

- 1. THE SECRETARY, MINISTRY OF EXTERNAL AFFAIRS
SOUTH BLOCK, GOVERNMENT OF INDIA, NEW DELHI 110 006.**
- 2. THE REGIONAL PASSPORT OFFICER
KOZHIKODE, KOZHIKODE DISTRICT - 673 001.**
- 3. THE REGIONAL PASSPORT OFFICER,
MALAPPURAM, MALAPPURAM DISTRICT - 679 001.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 8100 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF RELEVANT PAGES OF THE PASSPORT BEARING NO.2188021
OF THE PETITIONER**
- P2- TRUE COPY OF SECONDARY SCHOOL LEAVING CERTIFICATE ISSUED FROM
BOARD OF PUBLIC EXAMINATIONS, GOVT. OF KERALA, TRIVANDRUM**
- P3- TRUE COPY OF CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST
RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.8100 OF 2015
.....

Dated this the 31st March, 2015

J U D G M E N T

The petitioner has approached this Court seeking for a direction to the respondents to correct the entry in respect of his date of birth in the passport.

2. The case of the petitioner is that, the actual date of birth of the petitioner is **14.05.1971**, as borne by Ext. P2 relevant extract of SSLC book, whereas the same happened to be entered wrongly in the passport as **14.05.1968**. It is stated that, though the petitioner preferred a request for correction of date of birth, the same was not entertained by the second respondent/Passport Officer . Hence this writ petition.

3. The learned counsel for the petitioner submits that, in view of the law declared by this Court in ***Nizar v. Union of India* (2014 (4) KLT 609)** and that of in ***Swapna Siju Vs. Union of India* (2012 (4) KLT 419)**, the stand taken by the respondent is liable to be intercepted and the petitioner is entitled to have the relief sought for.

4. The learned Central Government Counsel appearing for the respondents submits that the petitioner will have to file an

on-line application along with an affidavit explaining how the mistake has occurred. It is also stated that the existing passport has to be surrendered.

5. In the said circumstances, the petitioner is relegated to file an on-line application for correction of date of birth along with **the original/existing passport**, an affidavit and the documents relied upon by the petitioner, on which event, the same shall be accepted and **after verification of the genuineness of the documents,** appropriate orders shall be passed within a period of three weeks.

The Writ Petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k